

Senate File 456 - Introduced

SENATE FILE 456
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1171)

A BILL FOR

1 An Act concerning the sale and off-premises transportation and
2 consumption of certain containers of beer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.132, Code 2015, is amended to read
2 as follows:

3 **123.132 Authority under class "C" permit.**

4 1. The holder of a class "C" permit shall be allowed to sell
5 beer to consumers at retail for consumption off the premises.
6 The sales made pursuant to this section shall be made in
7 original containers ~~only~~ except as provided in subsection 2.

8 2. Subject to the rules of the division, sales made pursuant
9 to this section may be made in a container other than the
10 original container only if all of the following requirements
11 are met:

12 a. The beer is transferred from the original container to
13 the container to be sold on the licensed premises at the time
14 of sale.

15 b. The person transferring the beer from the original
16 container to the container to be sold shall be eighteen years
17 of age or more.

18 c. The container to be sold shall be no larger than
19 seventy-two ounces.

20 d. The container to be sold shall be securely sealed by a
21 method authorized by the division that is designed so that if
22 the sealed container is reopened or the seal tampered with, it
23 is visibly apparent that the seal on the container of beer has
24 been tampered with or the sealed container has otherwise been
25 reopened.

26 3. A container of beer other than the original container
27 that is sold and sealed in compliance with the requirements of
28 subsection 2 and the division's rules shall not be deemed an
29 open container subject to the requirements of sections 321.284
30 and 321.284A if the sealed container is unopened and the seal
31 has not been tampered with.

32 4. The holder of a class "C" permit or the permittee's
33 agents or employees shall not sell beer to other retail license
34 or permit holders knowing or having reasonable cause to believe
35 that the beer will be resold in another licensed establishment.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with

3

the explanation's substance by the members of the general assembly.

4 This bill provides that a person holding a class "C" permit
5 authorized to sell beer for consumption off the licensed
6 premises may sell beer in a container other than the original
7 container if certain requirements are met. The bill requires
8 the beer to be transferred from the original container to the
9 container to be sold on the licensed premises, the person
10 transferring the beer shall be 18 years of age or more,
11 the container to be sold shall be no larger than 72 ounces,
12 and the container to be sold shall be securely sealed by a
13 method authorized by the alcoholic beverages division of the
14 department of commerce. The bill also provides that the sealed
15 container of beer is not considered an open container for
16 purposes of those Code sections prohibiting open containers of
17 alcohol in vehicles.